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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 * * *

10 BRANCH BANKING AND TRUST
11 COMPANY, a North Carolina banking
12 corporation,

13 Plaintiff,

14 vs.
15 27TH & SOUTHERN HOLDING, LLC, a
16 Nevada limited liability company, YOEL INY;
17 NOAM SCHWARTZ; YOEL INY, Trustee of
18 the Y&T INY FAMILY TRUST dated June 8,
19 1994; NOAM SCHWARTZ, Trustee of the
20 NOAM SCHWARTZ TRUST dated August 19,
21 1999; D.M.S.I., L.L.C., a Nevada limited
22 liability company; and DOES 1 through 10,
23 inclusive,

24 Defendants.

25 CASE NO. 2:12-cv-01781-LRH-PAL

26 **STIPULATED ORDER TO VACATE JUDGMENTS**
27 **AND TO DISMISS ACTION WITH PREJUDICE**

28 Plaintiff BRANCH BANKING AND TRUST COMPANY (“BB&T” or “Plaintiff”), by
29 and through its undersigned counsel of record, and Defendants 27TH & SOUTHERN
30 HOLDING, LLC, YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T INY
31 FAMILY TRUST dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM
32 SCHWARTZ TRUST dated August 19, 1999, and D.M.S.I., L.L.C. (collectively “Defendants”),
33 by and through their undersigned counsel of record, hereby stipulate and agree to the entry of
34

1 this Stipulated Order by this Court providing as follows:

2 1. The Final Deficiency Judgment entered in this action in favor of BB&T and
3 against Defendants on July 11, 2016 [ECF No. 97] in the amount of \$2,049,808.83 is hereby
4 vacated;

5 2. The Judgment entered in this action in favor of BB&T and against Defendants on
6 February 8, 2017 [ECF No. 112] awarding BB&T attorney fees in the amount of \$160,971.77
7 and nontaxable costs in the amount of \$9,842.47 is hereby vacated;

8 3. All claims and counterclaims asserted in this action are hereby dismissed with
9 prejudice; and

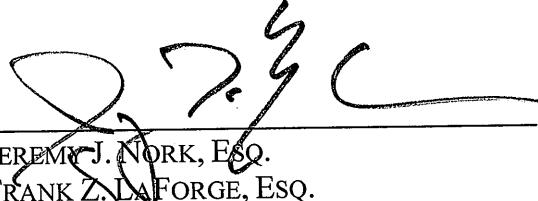
10 4. The parties shall each bear their own attorney fees and costs incurred in
11 connection with this action.

12 IT IS SO STIPULATED.

13 DATED this 19 day of Dec., 2017.

14 **HOLLAND & HART LLP**

15 By _____

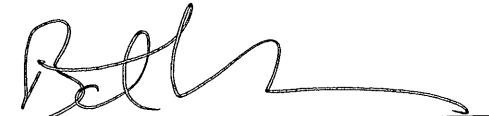
16 
17 JEREMY J. NORK, ESQ.
18 FRANK Z. DAFORGE, ESQ.
19 5441 Kietzke Lane, Second Floor
20 Reno, Nevada 89511

21 *Attorneys for Plaintiff*

12 DATED this 6th day of Nov., 2017.

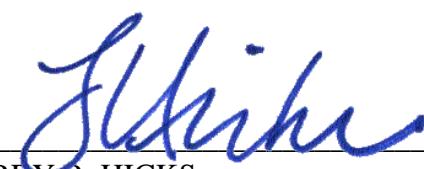
13 **KOLESAR & LEATHAM**

14 By _____

15 
16 BART K. LARSEN, ESQ.
17 400 South Rampart Boulevard, Suite 400
18 Las Vegas, Nevada 89145

19 *Attorneys for Defendants*

22 IT IS SO ORDERED.

23 
24 LARKY R. HICKS
25 UNITED STATES DISTRICT JUDGE

26 DATED: December 22, 2017